

EX PARTE OR LATE FILED

**WILLKIE FARR & GALLAGHER**

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10 February 1999

Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**RECEIVED**

**FEB 10 1999**

Re: Ex Parte Filing  
CC Docket No. 96-115

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

Dear Ms. Salas:

On February 9 and 10, 1999, eight independent directory publishers forwarded letters to Chairman Kennard urging the Commission to (1) adopt cost-based pricing rules implementing Section 222(e) and (2) require ILECs to provide CLEC listings to independent directory publishers. These independent directory publishers are Midwest Directories, National Directory Services, Bridgerland Phone Book, Hanson Directory Services, Southern Directory Publishing, WMD Phone Guide, United Yellow Pages, and Area Wide Directory Company. Copies of the letters are attached to this filing.

Pursuant to the Commission's rules, two (2) copies of this letter are being filed. Please call the undersigned at (202) 429-4730 if you have any questions regarding this filing.

Sincerely,

*Sophie J. Keefer*  
Sophie J. Keefer

Enclosures

No. of Copies rec'd 072  
List ABCDE

# MIDWEST DIRECTORIES, INC.

P.O. BOX 944

February 10, 1999

BELOIT, WISCONSIN 53518-0944

PHONE 608-899-3678

The Honorable William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

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FEB 10 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Chairman Kennard:

I am writing you in behalf of 31 employees that will be greatly concerned regarding your decision upcoming February 25<sup>th</sup> of this month. The subject is in reference to Section 222(e) of the Telecommunications Act of 1996. I cannot eloquently stress in words the level of impact you will have on all of us who are dependent on securing access to subscriber list information. Your decision will determine our future of being able to be competitive in the marketplace. Please consider the following for the relief we seek from the FCC.

Directory publishing was a source of a monopoly until we entered the marketplace back in 1978. Over the past 21 years we have been the subject of abusive behavior of the local exchange carriers in the marketplace. We have suffered to serve the consumer as well as our clients to provide the best possible information at the most reasonable price. When the Telecommunications Act of 1996 came to fruition we believed that the Commission would implement the full intent of Congress. Now its almost 36 months later and we have continue to endure this process.

Please consider 1) ordering subscriber listing information to be provided at cost based pricing standards. 2) ordering Incumbent Local Exchange Carriers and Competitive Local Exchange Carriers provide these listings to independent directory publishers. If this does not occur our survival will be in jeopardy.

In closing I have asked our in-house employees to sign this letter. Please note that every signature denotes a full time employee counting on you. We are the minority publisher who has been competing with the billion dollar Regional Bell Operating Companies. I hope this has adequately expressed our level of concern to our company and the independent publishing industry.

Sincerely,

  
Jon Bodnar  
General Manager and Staff

Alice J. Carroll  
Beth Hammon  
Jennifer Kiser  
David  
John C. Spahr

Judy Wightman  
Judy White  
Linda Brown  
Julia Monroe  
Sandra M. Stenhouse  
Janet  
Jon Brace  
Linda A. Hammon



## NATIONAL DIRECTORY SERVICES

February 9, 1999

Dear Chairman William Kennard;

I understand that you are considering an order on Section 222(e) which will guarantee independent publishers access to subscriber list information, in a timely and unbundled basis, under nondiscriminatory rates, terms, and conditions.

This issue is extremely important to independent directory publishers, which guarantees we will be able to receive information without the hassle of abusive behavior of local exchange carriers in the marketplace. We have had to go as far as writing a letter to our congressman to acquire listing information from a local telephone company.

It is essential that any order must include a price for SLI or a clear statement of cost-based pricing standards; also require that ILEC must provide CLEC listings to independent directory publishers. The only way to end the abuse is by a strong and explicit ruling by the Commission which will establish a true competitive marketplace for independent publishers.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mario Clough".

Mario Clough

**WESTERN REGIONAL OFFICE**  
19696 View Forever Lane  
Grass Valley, CA 95945  
(530) 268-8636

**SALES OFFICE**  
4136 Grass Valley Hwy.  
Auburn, CA 95602  
(530) 885-4033

**SALES OFFICE**  
367 State St. #208  
Ukiah, CA 95482  
(707) 462-6132

**SALES OFFICE**  
923 Parallel Dr. 2nd Floor  
Lakeport, CA  
(707) 263-3745

# BRIDGERLAND PHONE BOOK, INC.

"Your Locally Owned Phone Book"



YELLOW PAGES

P.O. Box 263 • Logan, Utah 84323-0263 • Phone: (435) 753-6765 • FAX: (435) 713-4212

February 9, 1999

The Honorable William Kennard, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S. W.  
Washington, DC 20554

**Re: Section 222(e) which guarantees independent-publishing companies access to subscriber list information etc.**

Dear Chairman Kennard;

For the sake of fairness and equal competition, I would like to request that in your considering of the order on Section 222 (e) on February 25, which guarantees independent publishers access to subscriber list information "on a timely basis, under nondiscriminatory rates and conditions" be viewed as of utmost importance to the small independent business person.

Prior to this year, we depended on a vendor to secure our listings from U. S. West the utility company in our area. It was only a week ago that I started the process to secure listings on my own from U. S. West. I was surprised to find out the outrageous cost is 31 cents per transaction. In addition, we are forced to accept listings in large quantities that are irrelevant and useless to our needs. This has been a problem for years.

Independent publishers throughout the United States have been waiting for almost three years for the commission to implement the intent of Congress and end this "David and Goliath" story once and for all! *Please include in the order, a price for SLI or a clear, cost-based pricing formula, plus a requirement that the Goliath's provide CLEC listings to independent publishers.*

I am in hopes that a strong and explicit ruling by the Commission will be established immediately and independent publishers will now have a level playing field and equal access to listing information.

Respectfully yours,

A handwritten signature in cursive script that reads "James C. Bentley".

James C. Bentley, General Manager  
BRIDGERLAND PHONE BOOK, INC.  
58 W 200 South  
Logan, UT 84321



February 9, 1999

The Honorable William Kennard  
Federal Communications Commission  
445-12th St. S.W.  
Washington, D.C. 20554

Dear Chairman Kennard:

It is our understanding that in the near future the FCC will be looking at section 22(e) of the Telecommunications Act. Furthermore, you will be considering an order which ultimately would provide independent publishers access to subscriber list information on a timely and unbundled basis, under nondiscriminatory rates, terms and conditions.

This issue is of utmost importance to all independent directory publishers. Failure to take action would only thwart rather than promote a competitive environment. Endless possibilities of abuse would continue.

Any order should seriously consider the issue of price regarding subscriber list information. As well, it is critical that CLEC listings be made available to the independents from the ILECs.

Please weigh these matters carefully. In so doing, we hope to have a fair and level playing field upon which to compete.

Sincerely,

A handwritten signature in dark ink, appearing to read "William J. Hanson", is written over a light-colored background.

William J. Hanson  
President

WLH/hn



**Southern Directory Publishing, Inc.**  
A LOCAL DIRECTORY COMPANY

P.O. Box 914 38 E. Johnston Street Forsyth, Georgia 31029 912-994-4636 or 800-487-0834 Fax 912-994-1333

February 10, 1999

The Honorable William Kennard  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Chairman Kennard:

I understand that you are considering an order on Section 222(c), which guarantees independent telephone directory publishers access to subscriber list information (SLI) on a timely and unbundled basis, with nondiscriminatory rates, terms and conditions. As the owner of an independent directory company, I can not stress how important Section 222(c) is to both myself and all the other independent publishers across the country, who have been subject to the abusive behavior of local exchange carriers in our markets.

Only a strong and explicit ruling by the Commission will end the abuses independent publishers have suffered and serve to establish a truly competitive marketplace. I strongly encourage you to ensure that any order include *very clear* cost based pricing standards and a requirement that ILECs must provide CLEC listings to independent directory publishers.

Sincerely,

W. Wilson Sims  
President



Yellow Pages

# **WMD PhoneGuide**

February 10, 1999

The Honorable William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20544

Dear Chairman Kennard:

It is our understanding that the FCC will be considering an order on Section 222(e), which guarantees independent publishers access to subscriber list information "on a timely basis, under nondiscriminatory rates, terms and conditions", on February 25, 1999.

WMD Phone Guide is an independent publisher of telephone directories in western Michigan since in 1987. Our books serve a public long ignored by the utilities. This issue is of extreme importance to independent directory publishers across the country who pride themselves on complete and accurate listings.

Independent publishers have been waiting nearly three years for the Commission to implement the intent of Congress and end the abusive behavior of local exchange carriers in the marketplace. Purchased listings vary between utility companies by as much as 100%. New connect listing costs are prohibitive from some carriers.

It is important that this order must contain a price or very clear cost-based pricing standards and a requirement that they must provide these to independent publishers. By continuing to hold the independent hostage to outrageous prices, the utilities have an unfair advantage.

I appreciate your time in considering this matter.

Sincerely,

Sue Brillhart  
General Manager

P.O. Box 279  
904 First St.  
Ludington, MI 49431

616-843-4520  
800-968-0079  
Fax 616-845-5894

e-mail: [wmd@caminter.net](mailto:wmd@caminter.net)



February 9, 1999

The Honorable William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Kennard,

I am writing to you in regards to the draft order on Section 222(e) of the Telecommunications Act. It is my understanding that on February 25 the FCC Commissioners will be voting on this provision.

It's extremely important to make you aware of what a positive impact this order could have on all independent publishers. Section 222(e) guarantees independent publishers access to subscriber list information "on a timely and unbundled basis, under nondiscriminatory rates, terms and conditions." This not only makes the necessary information accurate, but finally affordable. This type of legislation is a must to end the abusive behavior of the local exchange carriers. Competing has been almost impossible due to the outrageous rates and conditions of receiving this vital information. This will give our company as well as other independent publishers the opportunity to compete in the marketplace.

We have been waiting for nearly three years for the Commission to implement the intent of Congress to end the domination of the local exchange carriers. This order must include pricing and/or pricing standards for subscriber list information. It is also imperative that the order clearly requires the local exchange carriers to provide these listings to independent publishers.

It is time to end the domination the local exchange carriers hold. A strong ruling by the Commission is the first step in establishing a level playing field and a truly competitive marketplace for all publishers.

Thank you,

Steve Bridenball  
Chief Executive Officer

100 N. Sepulveda Blvd.  
Suite 200  
El Segundo,  
CA 90245  
1-800-343-2046





yellow pages

# Area Wide Directory Company

2241 Vulwood Parkway • Farmers Branch, Texas 75234  
(972) 241-5434 • 1-800-325-7049 • Fax: (972) 241-5660

February 10, 1999

The Honorable William Kennard, Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Chairman Kennard:

Your history of fairness and evenhandedness in providing independent directory publishers access to directory listings is deeply appreciated. It is my understanding that you will consider Section 222(e) of the Telecommunications Act on February 25.

It is my hope that you fully understand that for many independent directory publishers to remain in business it is imperative that we have access to subscriber list information "...on a timely and unbundled basis, under nondiscriminatory rates, terms, and conditions," as is provided for in the Act. It is, at present, a common practice for local exchange carriers, when they realize that they face viable competition, to either increase their per capita fee for listings to an exorbitant amount or to actually deny access. Such practices are clearly in violation of the intent of Congress and in violation of Supreme Court rulings.

Your vote to convey firmly to the telephone companies that their excesses and abuse will be tolerated no longer will ensure a truly competitive marketplace.

Sincerely,

Max S. Burrows  
President

cc: Larry Angove, ADP